(39)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2693 of 2007

Petitioner — Muni Yadav, S/o. Shri Phool Singh, aged about 61 years, R/o. Village Goda, P.O. Sasaha, Tehsil Palari, District Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh, Through: Secretary, Public Works Department, D.K.S. Bhavan, Mantralaya, Raipur (C.G.)
2. Executive Engineer, Public Works Department, Division Baloda Bazar, District Raipur (C.G.)
3. Sub Divisional Officer, Sub Division Baloda Bazar, District Raipur (C.G.)

Writ petition under Article 226 of the Constitution of India

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Mr. Sunil Otwani, Advocate for the petitioner.
Ms. Sunita Jain, Panel Lawyer for State/respondents.

O R D E R

(Passed on 3rd Day of May, 2007)

1. By this petition, learned counsel appearing for the petitioner submits that the petitioner was employed as permanent Gangman in Public Works Department and the petitioner, who has worked for more than 25 years as Gangman seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56.

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the

Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 454/2005 (Ram Prasad Yadav and others Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge